

## REMARKS

The present amendment is in response to the Office Action dated November 24, 2009. Claims 1-34 are now present in the case. By this amendment, claims 1, 11, 17, and 19 have been amended, new claims 32-34 have been added, and no claims have been canceled.

### **Rejection of Claims under 35 U.S.C. § 103**

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,364,245 issued to Paal et al. in view of U.S. Patent Application Publication No. 2006/0226279 filed by Paukov.

As acknowledged by the Office Action, dated November 24, 2009, Paal does not teach a bung. (Office Action, page 2, lines 20-21). For this element, the Office Action cites Paukov.

Paukov provides a bung with a frangible connection that is designed to fracture upon insertion into a paper roll, such that after withdrawal of the bung from the paper roll the bung cannot be easily reassembled and reused. The bung taught in Paukov is not designed to fracture after the bung is inserted into a paper roll. In particular, in one embodiment, Paukov discloses a bung 10 having a cylindrical core 12 and a roll contacting element 14 comprising a plurality of flanges that are frangibly coupled to the core 12 such that the roll contacting element 14 breaks from the core 12 when the bung 10 is inserted into the cylindrical opening of a paper roll. In this embodiment, the flanges of the roll contacting element 14 are specifically designed to fracture from the core 12 upon insertion into a paper roll. Thus, once the flanges are fractured from the core 12 upon insertion of the bung 10 into the roll, the flanges are incapable of fracturing from the core after the bung 10 is inserted into a paper roll.

In light of the foregoing, Applicant submits that neither Paukov nor Paal teach or suggest a bung having a tubular body operative to tightly engage an interior of said central cylindrical opening and to resist withdrawal from said central cylindrical opening and a short cylindrical portion frangibly connected to said tubular body such that after the tubular body is inserted into the roll, the force required to fracture said frangible connection is less than the force required to withdraw said tubular body from said roll,

as recited in amended independent claim 1 and claims 2-10, 26, 27, and 32 that depend from claim 1. Applicant submits that such features would not have been obvious at the time of the invention was made to a person having ordinary skill in the art to which the subject application pertains.

Amended independent claim 11 recites a bung having a tubular body with a plurality of outwardly projecting ribs operative to tightly engage an interior cylindrical surface of said roll of sheet material and a short cylindrical portion frangibly connected to said tubular body such that after the tubular body is inserted into the roll, the force required to fracture said frangible connection is less than the force required to withdraw said tubular body from said roll. As explained above, Paukov and Paal alone and in hypothetical combination fail to teach or suggest these elements of claim 11 and claims 12-16, 28, 29, and 33 that depend from claim 11.

Amended independent claim 17 recites a method that includes providing a bung having a tubular body for insertion into an end of said roll of sheet material and a short cylindrical portion frangibly connected to said tubular body such that after the tubular body is inserted into the roll, the force required to fracture said frangible connection is less than the force required to withdraw said tubular body from said roll. As explained above, Paukov and Paal alone and in hypothetical combination fail to teach or suggest this element of claim 17 and claims 18-25, 30, 31, and 34 that depend from claim 17.

Accordingly, Applicant submits that amended claims 1-34 are patentable over Paukov and Paal. Withdrawal of this ground for rejection is respectfully requested.

### **New claims**

New claim 32 depends from claim 1 and is allowable over the cited references for at least the same reasons discussed above that claim 1 is allowable over these references.

New claim 33 depends from claim 11 and is allowable over the cited references for at least the same reasons discussed above that claim 11 is allowable over these references.

New claim 34 depends from claim 17 and is allowable over the cited references for at least the same reasons discussed above that claim 17 is allowable over these references.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 04-0258 of Davis Wright Tremaine LLP.

All of the claims remaining in the application are now believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 757-8021.

Respectfully submitted,  
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